

Amendment
Application No. 10/614,277
Attorney Docket No. 030824

REMARKS

Claims 1-24 are pending in the above-identified application. Claims 1-8 were previously withdrawn. Claims 1, 9, 10, 12, 14, 15, 17, 19, 20, 22, and 24 are hereby amended. No new matter is added. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated April 25, 2006.

Claim Rejections – 35 U.S.C. §102

Claims 9-24 were rejected under 35 U.S.C. § 102(a) as being “anticipated by the prior art disclosed in Applicant’s disclosure” (referred to as “AAPA” in the following). Applicants respectfully disagree with the Examiner’s position. However, to expedite prosecution and clarify the subject matter of the present invention, Applicants hereby amend claims 9, 10, 12, 14, 15, 17, 19, 20, 22, and 24. Support for these amendments can be found, for example, in Figs. 4A and 4B of the present application.

For example, unlike the AAPA, the setting value in the present invention is within the setting range that is located within the power variable range and the temperature variable range. See Fig. 4A. Thus, even if the setting value obtained by the conventional method shown in Figs. 3A and 3B is located outside of the two dimensional area defined by the power variable range and the temperature variable range, another setting value (within the range) is available on the

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straight line of the constant wavelength within the two-dimensional area. This feature is not taught or suggested in the AAPA. *See* Figs. 3A and 3B.

In view of the above remarks, Applicants respectfully request that the Examiner withdraw the anticipation rejection of claims 9, 14, 19, and 24 because the AAPA does not teach or suggest each and every element of the claimed invention.

Claims 10-13, 15-18 and 20-23 depend from independent claims 9, 14, 19, and 24 respectively. Accordingly, these claims should be allowed in view of the above remarks and amendments by nature of dependency.

Current Amendment to Withdrawn Claim 1

Also, to clarify the subject matter of the present invention, Applicants hereby amend previously withdrawn independent claims 1. Support for this amendment is found, for example, in Figs. 4A and 4B of the present application.

For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance; the Examiner is encouraged to telephone applicants' undersigned attorney.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read 'Darrin A. Auito', is positioned above the printed name.

Darrin A. Auito

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